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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Annaliesa S. Anderson, et al.		
Serial No.:	10/564,458	Case No.:	21569YP
Filed:	January 12, 2006		
For:	POLYPEPTIDES FOR INDUCING A PROTECTIVE IMMUNE RESPONSE AGAINST STAPHYLOCOCCUS AUREUS		

Art Unit:

Examiner:

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**REQUEST FOR CORRECTED FILING RECEIPT**

Dear Sir:

Applicants request a corrected filing receipt for Filing Receipt Confirmation No. 7338, dated April 28, 2006. The filing receipt should provide a filing date of January 12, 2006. A red-lined corrected version of the Filing Receipt is enclosed

Also enclosed is a copy of the Express Mail receipt, Transmittal Letter, postcard submitted with the application, and a Track & Confirm printout indicating a delivery January 13, 2006. The USPTO stamped the postcard with a date of January 11, 2006. However, the date of January 11, 2006 is not consistent with the postal service delivery date and date noted by the applicants. The Express Mail receipt and Transmittal Letter both provide a date of January 12, 2006; and applicants provided a date of January 12, 2006 on the postcard.

37 C.F.R. 1.8 Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents P.O. Box 1450 Alexandria VA 22313-1450, on the date appearing below.

MERCK & CO., INC.

By *Sheldon O. Heber*

Date 6-13-06

Sheldon O. Heber

Serial No.: 10/564,458

Case No.: 21569YP

Page - 2 -

Applicants respectfully take the position that this was a USPTO oversight. However, if it is determined to be the applicants' oversight, please charge the appropriate fee for issuance of the corrected filing receipt to Deposit Account No. 13-2755. Please credit any overpayment or charge any fee deficiency to Deposit Account No. 13-2755.

Respectfully submitted,

By SL AL

Sheldon O. Heber

Reg. No. 38,179

Attorney for Applicants

Merck & Co., Inc.

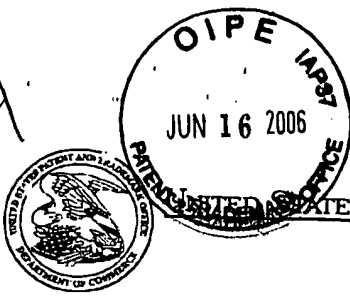
P.O. Box 2000

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215694P



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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/564,458	01/11/2006 01/12/2006	1645	2300	21569YP	29	32	6

000210  
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*Incorrect  
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JUN 15 2006*

CONFIRMATION NO. 7338

FILING RECEIPT



\*OC000000018644674\*

Date Mailed: 04/28/2006

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Annaliesa S. Anderson, Doylestown, PA;  
Kathrin Ute Jansen, South San Francisco, CA;  
Rosemarie Kelly, Westfield, NJ;  
Loren D Schulz, Harleysville, PA;  
Donna L Montgomery, Chalfont, PA;  
William L McClements, Doylestown, PA;

Power of Attorney: The patent practitioners associated with Customer Number 000210.

Domestic Priority data as claimed by applicant

This application is a 371 of PCT/US04/23523 07/22/2004  
which claims benefit of 60/489,840 07/24/2003  
and claims benefit of 60/520,115 11/14/2003

Foreign Applications

If Required, Foreign Filing License Granted: 04/28/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US10/564,458**

Projected Publication Date: 08/10/2006

Non-Publication Request: No

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JAP3 Rec'd PCT/PIU 11 JAN 2006

21569

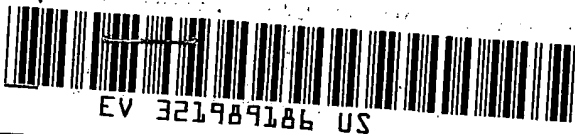
THE PATENT & TRADEMARK OFFICE ACKNOWLEDGES, AND HAS  
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SERIAL NUMBER OF THE FOLLOWING PATENT APPLICATION:

CASE NUMBER	DATE	ATTORNEY	EXPRESS MAIL <input type="checkbox"/>
21569YP	01/12/06	S.O. Heber	EV321989186US
TITLE POLYPEPTIDES FOR INDUCING A PROTECTIVE IMMUNE RESPONSE AGAINST STAPHYLOCOCCUS AUREUS			
INVENTORS Annaliesa S. Anderson, Kathrin Ute Jansen, Rosemarie Kelly, Loren D. Schultz, Donna L. Montgomery, William L. McClements			
NO. OF PAGES	NO. OF CLAIMS	PAGES OF DRAWING	
	32		
DECLARATIONS 1 Signed - 6 Signatures/4 pgs.		ACCOUNT CHARGE 13 - 2755 \$2,300.00	

20/564459

F1071.3 REV.9/93

Preliminary Amendment / Seq. Listing Statement/Dis



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<b>U. S. PATENT AND TRADEMARK OFFICE</b> <b>U.S. DEPARTMENT OF COMMERCE</b>  <b>TRANSMITTAL LETTER TO THE UNITED STATES</b> <b>DESIGNATED/ELECTED OFFICE (DO/EO/US)</b> <b>CONCERNING A FILING UNDER 35 U.S.C. 371</b>		<b>ATTORNEY - DOCKET NUMBER</b> 21569YP
		<b>U.S. APPLICATION NO. (If known, see 37 CFR 1.5)</b>
<b>INTERNATIONAL APPLICATION NO.</b> PCT/US2004/023523	<b>INTERNATIONAL FILING DATE</b> July 22, 2004	<b>PRIORITY DATE CLAIMED</b> July 24, 2003
<b>TITLE OF INVENTION</b> POLYPEPTIDES FOR INDUCING A PROTECTIVE IMMUNE RESPONSE AGAINST STAPHYLOCOCCUS AUREUS		
<b>APPLICANT(S) FOR DO/EO/US</b> Annaliesa S. Anderson, Kathrin Ute Jansen, Rosemarie Kelly, Loren D. Schultz, Donna L. Montgomery, William L. McClements		
<b>Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:</b>  1. <input checked="" type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a filing under 35 U.S.C. 371. 2. <input type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a filing under 35 U.S.C. 371. 3. <input type="checkbox"/> This is an express request to begin national examination procedures [35 U.S.C. 371(f)]. The submission must include items (5), (6), (9) and (21) indicated below. 4. <input type="checkbox"/> The US has been elected (PCT Article 31). 5. <input checked="" type="checkbox"/> A copy of the International Application as filed [35 U.S.C. 371(c)(2)] a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> has been communicated by the International Bureau. c. <input checked="" type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US). 6. <input type="checkbox"/> An English language translation of the International Application as filed [35 U.S.C. 371(c)(2)]. a. <input type="checkbox"/> is attached hereto b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4). 7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 [35 U.S.C. 371(c)(3)]. a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> have been communicated by the International Bureau. c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. d. <input type="checkbox"/> have not been made and will not be made. 8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 [35 U.S.C. 371(c)(3)]. 9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) [35 U.S.C. 371(c)(4)]. 10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 [35 U.S.C. 371(c)(5)]. <b>Items 11 to 20 below concern other document(s) or information included:</b> 11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98. 12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included. 13. <input checked="" type="checkbox"/> A preliminary amendment. 14. <input type="checkbox"/> An Application Data Sheet under 37 CFR 1.76. 15. <input type="checkbox"/> A substitute specification. 16. <input type="checkbox"/> A power of attorney and/or change of address letter. 17. <input checked="" type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825. 18. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C.154(d)(4). 19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C.154(d)(4). 20. <input checked="" type="checkbox"/> Other items or information: Sequence Listing Statement		

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)		INTERNATIONAL APPLICATION NO. PCT/US2004/023523		ATTORNEY'S DOCKET NUMBER 21569YP	
The following fees are submitted:				<b>CALCULATIONS</b>	<b>PTO USE ONLY</b>
21. <input checked="" type="checkbox"/> Basic national fee.....		\$300		\$300.00	
22. <input checked="" type="checkbox"/> Examination fee (37 CFR 1.492(c)) If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4).....		\$0			
All other situations.....		\$200		\$200.00	
23. <input checked="" type="checkbox"/> Search fee (37 CFR 1.492(b)) If the written opinion of the ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4).....		\$0			
Search fee [37 CFR 1.445(a)(2)] has been paid on the international application to the USPTO as an International Searching Authority.....		\$100		\$100.00	
International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB .....		\$400			
All other situations.....		\$500			
<b>TOTAL OF 21, 22 and 23=</b>				\$600.00	
<input checked="" type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
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Independent Claims	6 - 3 =	3	X \$200.00	\$600.00	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$360.00		
<b>TOTAL OF ABOVE CALCULATIONS (SUBTOTAL)</b>				\$2,300.00	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				+	
<b>TOTAL NATIONAL FEE</b>				=	\$2,300.00
Fee for recording the enclosed assignment [37 CFR 1.21(h)]. The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property.				+	
<b>TOTAL FEES ENCLOSED</b>				=	\$2,300.00
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<b>NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive [37 CFR 1.137(a) or (b)] must be filed and granted to restore the International Application to pending status.</b>					
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DATE: <u>January 12, 2006</u>			_____ NAME		
PHONE #: <u>(732) 594-1958</u>			<u>38,179</u> REGISTRATION NUMBER		



**Page 1A of TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING  
A FILING UNDER 35 U.S.C. 371**

**Attorney Docket No.:** 21569YP

**International Appln No.:** PCT/US2004/023523

**International Filing Date:** July 22, 2004

**Priority Date:** July 24, 2003

**Title:** POLYPEPTIDES FOR INDUCING A PROTECTIVE  
IMMUNE RESPONSE AGAINST STAPHYLOCOCCUS  
AUREUS

**Inventors:** Annaliesa S. Anderson  
Katherine Ute Jansen  
Rosemarie Kelly  
Loren D. Schultz  
Donna L. Montgomery  
William L. McClements

**EXPRESS MAIL CERTIFICATE**

**DATE OF DEPOSIT** January 12, 2006

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